	SUBJECT		DATE
1056.	PCB Reporting and Recordkeeping Relief	ENCORE	JAN 12, 2014
1057.	Commercial Chemical Products and Unused Batteries	ENCORE	JAN 16, 2014
1058.	PCB Annual Records Retention Timeframes		JAN 31, 2014
1059.	Satellite Accumulation within a <90-day Accumulation Area	=11000=	FEB 7, 2014
1060.	PCB Certificate of Disposal Relief	ENCORE	FEB 13, 2014
1061. 1062.	Used Oil and Weekly Inspections Bags and RCRA Container Definition		FEB 20, 2014 FEB 27, 2014
1062.	Product Storage Tank Residues and Hazardous Waste Regulations	ENCORE	MAR 6, 2014
1064.	Spent Lead-Acid Batteries and Accumulation Time Limits	LITOOILE	MAR 13, 2014
1065.	Land Disposal Restrictions and Dates of Accumulation		MAR 23, 2014
1066.	Universal Waste Accumulation Time Limits and the One Year Rule		MAR 29, 2014
1067.	PCB Manifest Discrepancy Reports and Estimated Waste Weights		APR 6, 2014
1068.	PCB Wastes, Independent Transporters and Confirmation of Receipt	ENCODE	APR 10, 2014
1069. 1070.	Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients Other Paint Wastes and the Applicability of the F001-F005 Listings	ENCORE ENCORE	APR 20, 2014
1070.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	LNCOKL	APR 24, 2014 MAY 1, 2014
1071.	TSCA "No PCBs" versus "Non-PCBs" versus "Nondetectable PCBs"	ENCORE	MAY 8, 2014
1073.	Purpose of Keeping a Hazardous Waste Container Closed	ENCORE	MAY 15, 2014
1074.	PCB Containers and Multiple Removed From Service Dates		MAY 22, 2014
1075.	Satellite Accumulation and RCRA Personnel Training		MAY 29, 2014
1076.	Transporter Signatures on Hazardous Waste Manifest and Multiple Drivers		JUN 5, 2014
1077.	Universal Waste and Nonhazardous Batteries		JUN 12, 2014
1078. 1079.	Universal Waste and Incandescent Bulbs The PCB Mark and the Fields "Also Contact" and "Tel No"	ENCORE	JUN 19, 2014 JUN 29, 2014
1079.	Halon Fire Extinguishers - Banned or Not Banned?	ENCORE	JUL 5, 2014
1081.	Cabinets as RCRA Containers	ENCORE	JUL 13, 2014
1082.	LDR Storage Prohibitions and Treated Wastes	ENCORE	JUL 17, 2014
1083.	LDR Treatment Standards and F001 "Chlorinated Fluorocarbons"	ENCORE	JUL 24, 2014
1084.	RCRA Regulatory Status of Chlorinated Fluorocarbons Used as Refrigerants	ENCORE	JUL 31, 2014
1085.	Universal Wastes, Manifesting and DOT Shipping Names		AUG 7, 2014
1086.	CERCLA Hazardous Substances – A Brief Definition		AUG 14, 2014
1087.	CERCLA Hazardous Substances – The Petroleum Exclusion	ENCORE	AUG 21, 2014
1088. 1089.	PCB Concentration Assumptions for Use vs. PCB Disposal Universal Waste and Basis for the One Year Accumulation Time Limit	ENCORE	AUG 28, 2014 SEP 4, 2014
1090.	Product Spills and Waste Determinations	ENCORE	SEP 11, 2014
1091.	PCB Concentrations and 10,000 PPM		SEP 18, 2014
1092.	PCB Concentrations and 1,000 PPM		SEP 25, 2014
1093.	Universal Waste Alkaline Batteries and Self-Transportation		OCT 2, 2014
1094.	Universal Waste Lithium Batteries and Self-Transportation	ENCODE	OCT 9, 2014
1095.	Universal Waste Batteries and Closed Containers  PCR Containers and Concentration of PCRs	ENCORE	OCT 16, 2014
1096. 1097.	PCB Containers and Concentration of PCBs Recyclable Chemicals and Zombie Destruction		OCT 23, 2014 OCT 31, 2014
1097.	Satellite Accumulation Requirements in Washington State	ENCORE	NOV 6, 2014
1099.	Satellite Accumulation and "At or Near"		NOV 13, 2014
1100.	Regulatory Status of Chromated, Copper, Arsenate, (CCA) Wood as Wood Mulch	ENCORE	NOV 20, 2014
1101.	Defining Criteria for Household Waste Exclusion	ENCORE	NOV 26, 2014
1102.	The Household Waste Exclusion and Renovation Debris		DEC 4, 2014
1103.	The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	DEC 11, 2014
1104. 1105.	PCB Ballasts and Disposal Options 'Twas the Night Before Christmas – The Twenty-Second Edition	ENCORE	DEC 18, 2014 DEC 24, 2014
1105.	Printed Circuit Board Recycling – Shredded vs. Whole	ENCORE	JAN 1, 2015
1107.	Satellite Accumulation and Product Vessel Cleanouts		JAN 8, 2015
1108.	Date of Accumulation for Hazardous Waste and Receipt of Analytical Information	ENCORE	JAN 15, 2015
1109.	Conservative Declarations that Material is a Hazardous Waste		JAN 22, 2015
1110.	Hazardous Waste Generator Tanks and the Date of Accumulation Marking	ENCORE	JAN 29, 2015
1111.	Universal Waste, Satellite Accumulation and Centralized Collection Areas	ENCORE	FEB 4, 2015
1112. 1113.	The PCB Mark and PCB Storage for Disposal Areas EPA Hazardous Waste Markings - Accumulation vs. Pre-Transport	ENCORE ENCORE	FEB 12, 2015 FEB 19, 2015
1113. 1114.	Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	FEB 26, 2015
1115.	Spent Lead-Acid Batteries and Secondary Containment	LITOUIL	MAR 5, 2015
1116.	The Mixtures Rule – Washington State vs. The Feds		MAR 12, 2015
1117.	RCRA Permitted Storage and the Hazardous Waste Marking	ENCORE	MAR 19, 2015
1118.	Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	MAR 26, 2015
1119.	When is When Defined for the RCRA Phrase "When Reclaimed"?	ENCORE	APR 1, 2015
1120.	Who Wants to be a Generator?!!	ENCORE	APR 9, 2015

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# TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert

CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** WHO WANTS TO BE A GENERATOR?!!

**DATE:** *APRIL 9, 2015* 

CHPRC Projects	CH PRC - Env.	<u>MSA</u>	<b>Hanford Laboratories</b>	Other Hanford	Other Hanford		
	Protection			Contractors	Contractors		
Richard Austin		Jerry Cammann	(TBD)				
Tania Bates	Brett Barnes	Jeff Ehlis		Bill Bachmann	Dan Saueressig		
Ty Blackford	Ron Brunke	Garin Erickson	DOE RL, ORP, WIPP	Dean Baker	Merrie Schilperoort		
Bob Cathel	Bill Cox	Lori Fritz		Scott Baker	Joelle Moss		
Rene Catlow	Laura Cusack	Panfilo Gonzales Jr.	Mary Beth Burandt	Lucinda Borneman	Glen Triner		
Richard Clinton	Lorna Dittmer	Dashia Huff	Cliff Clark	Paul Crane	Greg Varljen		
Larry Cole	Rick Engelmann	Mark Kamberg	Mike Collins	Tina Crane	Julie Waddoups		
John Dent	Ted Hopkins	Edwin Lamm	Tony McKarns	Greta Davis	Kyle Webster		
Brian Dixon	Jim Leary	Candice Marple	Ellen Mattlin	Jeff DeLine	Jeff Westcott		
Eric Erpenbeck	Dale McKenney	Saul Martinez	Greg Sinton	Ron Del Mar	Ted Wooley		
Stuart Hildreth	Jon McKibben	Jon Perry	Scott Stubblebine	John Dorian	,		
Mike Jennings	Rick Oldham	Thomas Pysto		Mark Ellefson			
Stephanie Johansen	Linda Petersen	Christina Robison		Darrin Faulk			
Jeanne Kisielnicki	Fred Ruck	Don Rokkan		Joe Fritts			
Melvin Lakes	Jennie Seaver	Lana Strickling		Tom Gilmore			
Jim McGrogan	Ray Swenson	Lou Upton		Rob Gregory			
Stuart Mortensen	Wayne Toebe	_		Gene Grohs			
Anthony Nagel	Lee Tuott			James Hamilton			
Dean Nester	Daniel Turlington			Andy Hobbs			
Dave Richards	Dave Watson			Ryan Johnson			
Phil Sheely	Joel Williams			Dan Kimball			
Connie Simiele				Megan Lerchen			
Roni Swan				Richard Lipinski			
Michael Waters				Charles (Mike) Lowery			
Jeff Widney				Michael Madison			
				Terri Mars			
				Cary Martin			
				Grant McCalmant			
				Steve Metzger			
				Tony Miskho			
				Matt Mills			
				Tom Moon			
				Chuck Mulkey			
				Mandy Pascual			
				Kirk Peterson			
				Jean Quigley			

#### TWO MINUTE TRAINING

## **SUBJECT:** Who Wants to be a Generator?!!

- Q: One person owns a product storage tank; another person owns the product material being stored; and a third person is contracted to remove and dispose of sludges that have formed in the bottom of this product storage tank. The sludges are determined to be a hazardous waste. Who is the generator of the hazardous waste that is generated from a product storage tank when three separate persons are involved, i.e., WHO WANTS TO BE A GENERATOR?!!
- **A:** Per <u>WAC 173-303-040</u> [40 CFR 260.10], a generator is defined as:

"any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation."

The owner of the tank and the owner of the product are persons, by site, whose acts or processes produce a dangerous/hazardous waste. The contractor is a person whose act (sludge removal) <u>first</u> causes a dangerous/hazardous waste to become subject to regulation. Therefore, all three parties meet the definition of a generator.

A similar scenario is addressed in the October 30, 1980 Federal Register on page 72026. The Agency (EPA) stated:

"Because all three parties contribute to the generation of a hazardous waste and because none of the parties stands out in all cases as the predominant contributor, the Agency has concluded that the three parties should be jointly and severally liable as generators."

The Federal Register goes on to state that EPA would be satisfied, and would prefer if one of the parties assumed the duties of the generator. However, EPA reserved the right to enforce against any and all persons who would fit the definition of generator - hence the term, "joint and several".

#### **SUMMARY:**

- A generator is any person, by site, whose act or process produces dangerous/hazardous waste or whose act first causes a dangerous/hazardous waste to become regulated.
- If multiple parties contribute to the generation of dangerous/hazardous wastes, all parties are jointly and severally liable as generators.
- One party can assume the responsibilities of the generator, but all parties remain liable.

Excerpts from WAC 173-303-040, 40 CFR 260.10 and the October 30, 1980 Federal Register are attached to the e-mail. If you have any questions, please contact me at "Paul\_W\_Martin@rl.gov" or at (509) 376-6620.

FROM: Paul W. Martin DATE: 04/08/15 FILE: c:\...\2MT\2015\040915.rtf PG: 1

#### TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Who Wants to be a Generator?!!

#### **WAC 173-303-040 Definitions.**

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

### 40 CFR 260.10 Definitions.

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

# 72026 Federal Register / Vol. 45, No. 212 / Thursday, October 30, 1980 / Rules and Regulations

"The definition of generator, depending on the particular factual situation, can include all of the parties discussed above. Both the operator of a manufacturing process unit, or a product or raw material storage tank, transport vehicle or vessel, and the owner of the product or raw material act jointly to produce the hazardous waste generated therein, and the person who removes the hazardous waste from a tank, vehicle, vessel or manufacturing process unit subjects it to regulations. All three parties are involved and EPA believes that all three (and any others who fit the definition of "generator") have the responsibilities of a generator.

Because all three parties contribute to the generation of a hazardous waste and because none of the parties stands out in all cases as the predominant contributor, the Agency has concluded that the three parties should be jointly and severally liable as generators. The Agency will, of course, be satisfied if one of the three parties assumes and performs the duties of the generator on behalf of all of the parties. In fact, the Agency prefers and encourages such action and recommends that, where two or more parties are involved, they should mutually agree to have one party perform the generator duties. Where this is done, the Agency will look to that designated party to perform the generator responsibilities. Nevertheless, EPA reserves the right to enforce against any and all persons who fit the definition of "generator" in a particular case if the requirements of Part 262 are not adequately met, providing such enforcement is equitable and in the public interest."

**FROM:** Paul W. Martin **DATE:** 04/08/15 **FILE:** c:\...\2MT\2015\040915.rtf **PG:** 2